



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,564	11/20/2003	Steve Anspach	ANSPACH	7050

EXAMINER	
LEMMMA, SAMSON B	

ART UNIT	PAPER NUMBER
2132	

MAIL DATE	DELIVERY MODE
01/24/2008	PAPER

7590 01/24/2008
MANELLI DENISON & SELTER PLLC
2000 M Street, N.W., 7 th Floor
Washington, DC 20036-3307

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,564

Applicant(s)

ANSPACH, STEVE

Examiner

Samson B. Lemma

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/07 & 01/08
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This office action is in reply to an amendment filed on October 25, 2007.
Claims 2 and 9 are canceled. Thus claims 1, 3-8 and 10-14 are pending/examined. There are two independent claims in the application, namely claims 1 and 8 and both are amended.

Priority

2. This application claims priority of a provisional application, application No. 60/502,660 filed on September 15, 2003. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is **09/15/2003**.

Response to Arguments

3. Applicant's remark/arguments filed on October 25, 2007 have been fully considered but they are not persuasive.

Applicant's representative argument is focused on the limitation of the independent claim after the claims are amended.

For instance the following argument is presented referring to the independent claims.

*"Thus, Turtiainen in view of KIV-7, either alone or in combination, fails to disclose, teach or suggest a system and **method of combining a VoIP data stream and data communications to form a combined data stream, and encrypting the combined data stream through a single Type 1 encryption unit into an encrypted data stream, as recited by claims 1, 3-8 and 10-14**" [See page 6, paragraph 2 of the applicant's amendment]*

Examiner disagrees with the above argument for the reason that these limitations which are argued are disclosed by the reference on the record (by the combination of Turtiainen in view of KIV-7).

In order to show how each and every limitation of the independent claims are disclosed by the reference/s on the record (Turtiainen in view of KIV-7), the examiner would like to point out the following.

For instance referring to the independent claim 1 and 8, which includes all the above argued limitation, Turtiainen discloses **a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"], said method comprising:

- **Receiving a voice-over-IP (VoIP) data stream from a telephony device ;** [See figure 1, ref. Num 1, "mobile device 1" and paragraph 0036, "the VoIP traffic is exchanged between the mobile device 1 (peer 1) and the correspondent host/computer/workstation/server 4 (peer 2)]
- **Receiving data communications from a computing device;** [see figure 1, ref. Num "4"] [See figure 1, ref. Num 4, "host/computer/workstation/server 4 (peer 2" and paragraph 0036, "the VoIP traffic is exchanged between the mobile device 1 (peer 1) and the correspondent host/computer/workstation/server 4 (peer 2)]
- **Combining said VoIP data stream and said data communications to form a combined data stream** [See figure 1, ref. Num, "3", "7" and "1" and "4"] (Since both data/text and voice can communicate between the workstation node shown on figure 1, ref. Num "4" and mobile device shown on figure 1, ref. Num "1" then both and voice and data can be combined at each node shown on figure 1, ref. Num, "3", "7" and "1"]

- **Encrypting said data stream through encryption unit into an encrypted data stream;** [See at least, Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"] **and**
- **Encapsulating said encrypted data stream in IP packets for transmission** [See at least, Figure 5, see "Sender passes encrypted data to TCP/IP layer for segmentation and **encapsulation**" and see also on the same figure 5 how after encryption/ encapsulation the "data is sent/transmitted to receiver of streamed data"]

Turt does not explicitly disclose said encrypting data using a Type 1 encryption unit.

However, in the same field of endeavor "complete pc solution", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

Therefore, the combination of the reference/s on the record discloses each and every limitation of the claims as indicated above.

Claim Objections

4. Claim 6 is objected to because of the following informalities: claim 6 depends on the canceled claim 2. For the sake of examination it is assumed that claim 6 depends on independent claim 1.

5. Claim 10 is objected to because of the following informalities: claim 10 depends on the canceled claim 9. For the sake of examination it is assumed that claim 10 depends on independent claim 8.

6. Claim 13 is objected to because of the following informalities: claim 13 depends on the canceled claim 9. For the sake of examination it is assumed that claim 13 depends on independent claim 8.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1, 3-8, 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Turtiainen et al** (Hereinafter referred as **Turt**) (U.S. Publication No.

2002/0059516 A1, Publication date: May 16, 2002) in view of article written with the title, "The complete PC solution for the KIV-7" (Hereinafter referred as "complete pc solution") (Copyright 2002) (Submitted with IDS)

9. **As per independent claims 1 and 8 Turt discloses a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"], said method comprising:

- **Receiving a voice-over-IP (VoIP) data stream from a telephony device ; [See figure 1, ref. Num 1, "mobile device 1" and paragraph 0036, "the VoIP traffic is exchanged between the mobile device 1 (peer 1) and the correspondent host/computer/workstation/server 4 (peer 2)]**

- **Receiving data communications from a computing device; [see figure 1, ref. Num "4"]***[See figure 1, ref. Num 4, "host/computer/workstation/server 4 (peer 2" and paragraph 0036, "the VoIP traffic is exchanged between the mobile device 1 (peer 1) and the correspondent host/computer/workstation/server 4 (peer 2)]*
- **Combining said VoIP data stream and said data communications to form a combined data stream [See figure 1, ref. Num, "3", "7" and "1" and "4"]***(Since both data/text and voice can communicate between the workstation node shown on figure 1, ref. Num "4" and mobile device shown on figure 1, ref. Num "1" then both and voice and data can be combined at each node shown on figure 1, ref. Num, "3", "7" and "1"]*
- **Encrypting said data stream through encryption unit into an encrypted data stream; [See at least, Figure 5, see "Streamed VoIP data encrypted at sender using encryption data"] and**
- **Encapsulating said encrypted data stream in IP packets for transmission [See at least, Figure 5, see "Sender passes encrypted data to TCP/IP layer for segmentation and encapsulation" and see also on the same figure 5 how after encryption/ encapsulation the "data is sent/transmitted to receiver of streamed data"]**

Turt does not explicitly disclose said encrypting data using a Type 1 encryption unit.

However, in the same field of endeavor "complete pc solution", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1/KIV-7 encryption unit as per teachings of "complete pc solution" into the method as taught by Turt in order to make easy and secure dial and answer call with a KIV-7 for PC to PC based videoconferencing. [See "complete pc solution" page 2 last Paragraph]

10. As per claims 3 and 10 the combination of Turt and complete pc solution discloses a method as applied above. Furthermore complete pc solution discloses the method wherein: said coming is performed by a voice-enabled router. [See on page 2, on the figure, "Router" and on page 1, third paragraph, "it can connect to any remote device including routers..." or see also on Turt, figure 1, ref. num 5 and 7]

11. As per independent claims 4-7 and 11-14 the combination of Turt and complete pc solution discloses a method as applied above. Furthermore complete pc solution discloses the method wherein: said Type 1 encryption unit is a KIV-type encryption unit. [See page 1 and the figures in page 2]

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO-Form 892).
13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the

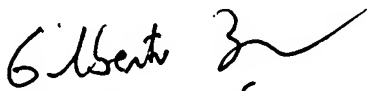
advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA
S.L.
01/15/2008


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100